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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/911,592

07/24/2001

Ralph S. Hoefelmeyer

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MCI, INC

TECHNOLOGY LAW DEPARTMENT  
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WASHINGTON, DC 20036

EXAMINER

CHEN, SHIN HON

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/911,592

**Applicant(s)**

HOEFELMEYER ET AL.

**Examiner**

Shin-Hon Chen

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/29/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-11 have been examined.

#### *Claim Objections*

2. Claim 4 is objected to because of the following informalities: it discloses the same limitation as the claim that it depends on and the examiner assumes that it depends on claim 3. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5, 8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypponen et al. U.S. Pub. No. 20030191957 (hereinafter Hypponen) in view of Hodges et al. U.S. Pat. No. 6035423 (hereinafter Hodges).

5. As per claim 1, Hypponen discloses a network security system to be deployed between a plurality of network (intranet) belonging to respective organizations and an internet backbone, comprising: a scanning system coupled to the network (intranet) for scanning incoming electronic mail for malicious code (Hypponen: [0005]-[0013]: the transit node is one of database, an electronic mail server...); and a switch coupled between the internet backbone, the scanning

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system, and the anti-virus server, said switch configured for: directing incoming electronic mail from the internet backbone to the scanning system (Hypponen: [0005]-[0013]: the e-mail server). Hypponen does not explicitly disclose an anti-virus server coupled to the network (intranet) for downloading anti-virus code to clients coupled to the network (intranet). However, Hodges discloses a central anti-virus server that downloads anti-virus code to clients (Hodges: column 4 lines 47-59). It would have been obvious to one having ordinary skill in the art to have multiple servers performing different virus-related tasks that are coupled to the network (intranet) in order to protect clients from virus. The motivation for the teachings of Hodges is that it would be desirable to provide antivirus software update distribution that allows a higher frequency of update releases from antivirus software manufacturers for the most up-to-date antivirus protection available (Hodges: column 4 line35-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hodges within the system of Hypponen because it allows a central anti-virus server to perform automated antivirus software update to different types of user node and provide most up-to-date antivirus protection, thus enhance network security.

6. As per claim 3, Hypponen discloses a network security system to be deployed between a plurality of network (intranet) belonging to respective organizations and an internet backbone, comprising: a scanning system coupled to the network (intranet) for scanning incoming electronic mail for malicious code (Hypponen: [0005]-[0013]: the electronic mail server); a mail proxy server for determining whether the incoming electronic mail is to be scanned for malicious code and directing the incoming electronic mail to the scanning system when the incoming

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electronic mail is determined to be scanned for malicious code (Hypponen: [0005]-[0028]; [0035]); and a switch coupled between the internet backbone, the scanning system, and the anti-virus server, said switch configured for: directing incoming electronic mail from the internet backbone to the mail proxy server (Hypponen: [0005]-[0013]: e-mail server). Hypponen does not explicitly disclose an anti-virus server coupled to the network (intranet) for downloading anti-virus code to clients coupled to the network (intranet). However, Hodges discloses a central anti-virus server that downloads anti-virus code to clients (Hodges: column 4 line 47 – column 5 line 43). It would have been obvious to one having ordinary skill in the art to have multiple servers performing different virus-related tasks that are coupled to the network (intranet) in order to protect clients from virus. The motivation for the teachings of Hodges is that it would be desirable to provide antivirus software update distribution that allows a higher frequency of update releases from antivirus software manufacturers for the most up-to-date antivirus protection available (Hodges: column 4 line 35-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Hodges within the system of Hypponen because it allows a central anti-virus server to perform automated antivirus software update to different types of user node and provide most up-to-date antivirus protection, thus enhance network security.

7. As per claim 5, 8, and 10, claims 5, 8, and 10 encompass the same scope as claim 1. Therefore, claims 5, 8, and 10 are rejected based on the reasons set forth in claim 1.

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8. Claims 2, 4, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypponen in view of Hodges and further in view of Almogy et al. U.S. Pub. No. 20020194489 (hereinafter Almogy).

9. As per claim 2, 4, 7, and 9, Hypponen as modified discloses a network security system according to claims 1, 3, 5, and 8 respectively. Hypponen as modified does not explicitly disclose a decoy server coupled to the network (intranet) for masquerading as a legitimate server and logging activity on communications received via the internet backbone; wherein the switch is further coupled to the decoy server and is further configured for redirecting suspicious traffic from the internet backbone to the decoy server. However, Almogy discloses a computer configured with a decoy address in order to detect virus (Almogy: [0007]-[0013]). It would have been obvious to one having ordinary skill in the art to have multiple servers performing different virus-related tasks that are coupled to the network (intranet) in order to protect clients from virus. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention because it increases the security of the network by detecting if there is any abnormal activity involving the decoy address.

10. Claim 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hypponen in view of Hodges and further in view of Caccavale U.S. Pub. No. 20020129277 (hereinafter Caccavale).

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11. As per claim 6 and 11, Hypponen discloses a network security system according to claims 5 and 10 respectively. Hypponen as modified does not explicitly disclose wherein the switches are further configured for: load-balancing among the scanning systems and among the decoy servers. However, Caccavale discloses perform load-balancing procedure when there are plurality of virus checking programs (Caccavale: [0012]). It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Caccavale within the combination of Hypponen-Hodges because load-balancing is well known in the art to prevent denial of service attack and it increases efficiency of the process.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee et al. U.S. Pub. No. 20020178381 discloses method for identifying undesirable content in response sent in reply to a user request for content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131



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